

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

EDWARD FOMINYKH,

Petitioner,

v.

ICE FIELD OFFICE DIRECTOR,

Respondent.

NO. C12-879-RAJ

ORDER OF DISMISSAL

The court has reviewed Report and Recommendation (“R&R”) of the Honorable James P. Donohue, United States Magistrate Judge. Dkt. 16. No party has objected to the R&R. The court orders as follows:

(1) The court adopts the R&R, except with respect to its recommendation that the court dismiss the petition with prejudice.

(2) The court DENIES Petitioner’s petition for writ of habeas corpus (Dkt. 9), GRANTS respondent’s motion to dismiss (Dkt. 14), and directs the clerk enter judgment for respondent and to DISMISS this action without prejudice to it being refiled when it is timely.

(3) The Clerk shall send a copy of this Order to the parties and to Judge Donohue.

DATED this 23rd day of October, 2012.



The Honorable Richard A. Jones
United States District Court Judge